

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BLUEFIELD DIVISION

UNITED STATES OF AMERICA

v.

Criminal No. 5:04-cr-193/01

ROBERT EVANS HOOD

MEMORANDUM OPINION AND ORDER

In Bluefield, on July 21, 2011, came the defendant, Robert Evans Hood, in person and by counsel, David Bungard, Assistant Federal Public Defender; came the United States by Miller A. Bushong, III, Assistant United States Attorney; and came the United States Probation Officer Keith Zutaut, for a hearing on the petition to revoke the defendant's term of supervised release.

The court informed the defendant of the alleged violations contained in the petition to revoke the term of supervised release, filed on June 13, 2011, as well as the amended violation report filed on June 27, 2011. The court found at the hearing that the Defendant had received written notice of the alleged violations as contained in these two documents. The court advised the defendant that, pursuant to Rule 32.1(b) of the Federal Rules of Criminal Procedure, he has the right to a hearing and assistance of counsel before his term of supervised release could be revoked. The Court further found that the defendant appeared, was given the opportunity to present evidence, and was represented in the proceeding by counsel.

Mr. Hood's attorney argued that revocation of the defendant's term of supervised release would be inappropriate at this time, given his ongoing struggle with drug addiction. Instead of revoking his term of supervised release, Mr. Bungard suggested that the court allow Mr. Hood to participate in the FMRS outpatient drug treatment program in Beckley, West Virginia, for a period of twelve weeks. Mr. Bungard represented to the court that Mr. Hood is currently employed and enjoys the support of his family. As such, Mr. Bungard is confident that Mr. Hood will complete the program, and benefit significantly its drug counseling. The Assistant United States Attorney and the Probation Office represented to the court that they concurred in Mr. Bungard's suggestion, and felt that holding the petition in abeyance while giving Mr. Hood the opportunity to participate in the FMRS program would be the best course of action.

Accordingly, the court held the petition in abeyance in order to give Mr. Hood the chance to participate in the FMRS program. In addition, the defendant shall be subject to all previously imposed conditions of supervised release.

The Court directs the Clerk to send a copy of this Order to the Defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

**IT IS SO ORDERED** this 25th day of July, 2011.

ENTERED :

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge